

## NO LONGER ON INDIANA'S DEATH ROW

According to records available to the Indiana Public Defender Council, ninety-seven individuals have been sentenced to death in Indiana since the 1977 reinstatement of capital punishment here. Eighty-nine individuals, listed below, are no longer on death row, including twenty-two individuals who have been executed (20 by Indiana and 2 by other states), six who died while on death-row, and fifty-nine who have had their death sentences set aside. Eight individuals are currently under sentence of death.

Name	Year Sentenced to Death	Status
Hicks, Larry	1978	New trial granted by trial court, two weeks before scheduled execution; acquitted on retrial, 11/20/1980.
Judy, Steven	1980	Executed, March 9, 1981, after waiving non-mandatory appeals.
Hollis, David	1982	Suicide while awaiting appeal.
Dillon, Richard	1981	New trial ordered on federal habeas, <u>Dillon v. Duckworth</u> , 751 F.2d 895 (7th Cir. 1984); Pled to term of years pending retrial.
Vandiver, William	1984	Executed, October 16, 1985, after waiving all non-mandatory appeals.
Thompson, Jay	1982	Death vacated on direct appeal; remanded for new judge sentencing based on jury recommendation against death, <u>Thompson v. State</u> , 492 N.E.2d 264 (1986); resentenced to sixty years.
Patton, Keith	1984	Guilty plea vacated on state PCR, <u>Patton v. State</u> , 517 N.E.2d 374 (1987). Sentenced to 120 years at Trial, 3/17/1990.
Martinez-Chavez, Eladio	1985	Death vacated on direct appeal; Indiana Supreme Court orders sixty year sentence imposed. <u>Martinez-Chavez v. State</u> , 534 N.E.2d 731 (1989).
Cooper, Paula	1986	Death vacated on direct appeal; Indiana Supreme Court orders sixty year

		sentence imposed, <u>Cooper v. State</u> , 540 N.E.2d 1216 (1989).
Smith, Charles	1983	New trial ordered on appeal of state PCR, <u>Smith v. State</u> , 547 N.E.2d 817 (1989); DP request dropped before new trial; acquitted on all counts. 5/9/1991
Thacker, Lois	1985	Death vacated on direct appeal; Indiana Supreme Court orders sixty year sentence imposed, <u>Thacker v. State</u> , 556 N.E.2d 1315 (1990).
Brewer, James	1978	New penalty phase ordered on federal habeas, <u>Brewer v. Aiken</u> , 925 F.2d 850 (7th. Cir. 1991); fifty-five year plea bargain.
Williams, Larry	1980	New penalty phase ordered on appeal of state PCR, <u>Williams v. State</u> , 525 N.E.2d 1238 (1988); DP request dropped; sentenced to sixty years, 2/28/1992.
Harris, James	1984	Plea bargain for term of years entered during state PCR hearing, 1992.
Jackson, Donald	1988	Death vacated on direct appeal; remanded for imposition of term of years, <u>Jackson v. State</u> , 597 N.E.2d 950 (1992).
Evans, Charles	1986	Death vacated on direct appeal; remanded for imposition of term of years, <u>Evans v. State</u> , 598 N.E.2d 516 (1992).
Landress, Cindy Lou	1989	Death vacated on direct appeal; remanded for imposition of term of years, <u>Landress v. State</u> , 600 N.E.2d 938 (1992).
Bellmore, Larry	1986	Death vacated on direct appeal; remanded for new sentencing determination, <u>Bellmore v. State</u> , 602 N.E.2d 111 (1992); while rehearing pending, Tr.Ct. resented to 60 years, 11/29/1993.
Boyd, Russell	1983	Sentence vacated by PCR court in summary judgment, 1993. Pled to 80

		years while resentencing pending.
Kennedy, Stuart	1988, 1992	Death vacated on direct appeal; remanded for imposition of term of years, <u>Kennedy v. State</u> , 620 N.E.2d 17 (1993).
James, Victor	1991	Sentence vacated on direct appeal, <u>James v. State</u> , 613 N.E.2d 15 (1993); remanded for new penalty phase; death penalty dropped pending new penalty phase, 12/6/1993.
Spencer, Terry (Lowery)	1985	Pled guilty, for 60 year sentence, pending state PCR, 1994.
Resnover, Gregory	1981	Executed, December 8, 1994, after exhausting appeals.
Roark, Dennis	1989, 1992	1989 conviction and death sentence reversed & remanded for new trial, <u>Roark v. State</u> , 573 N.E.2d 881 (1991). Reconvicted and resentenced to death, 1991. 1992 death sentence reversed and 200 year sentence imposed, <u>Roark v. State</u> (1994), 644 N.E.2d 565.
Benirschke, William	1988	Pled guilty, for 140 year sentence, pending state PCR, 1995.
Potts, Larry D.	1988	Pled guilty, for 210 year sentence, pending state PCR, 1995.
Castor, Marvin D.	1988	Sentence vacated on direct appeal, <u>Castor v. State</u> , 587 N.E.2d 1281 (1992); remanded for new penalty phase; Death penalty request dismissed pending resentencing, 1995.
Davis, Frank	1984	State agreed to resentencing during PCR; resentenced to two 60-year terms, 7/10/1996.
Smith, Tommie	1981	Executed, July 18, 1996, after exhausting appeals.
Schiro, Thomas	1981	Sentence vacated on appeal of third post-conviction petition, <u>Schiro v. State</u> , 669 N.E.2d 1357 (1996).

Huffman, Richard	1985	Conviction set aside on PCR; pled pending retrial, 8/5/1996.
Underwood, Herbert	1985	Conviction set aside on PCR; on retrial, jury acquitted on felony supporting aggravator; state dismissed DP, 8/30/1996.
Spranger, William	1983	Sentence vacated on PCR; on resentencing, judge imposed 60-year term, 11/6/1997.
Burris, Gary	1981	Executed after exhausting appeals, November 20, 1997.
Lockhart, Michael Lee	1989	Executed in Texas for crime committed there, December 9, 1997.
Smith, Robert	1996	Executed after waiving non-mandatory appeals, January 29, 1998.
VanCleave, Gregory	1983	Sentence vacated on PCR; resentencing judge found state had not proved aggravating circumstance and dismissed death penalty request, 6/5/1998.
Games, James	1984	Sentence vacated on PCR; DP dismissed by agreement pending resentencing, 1999.
McCollum, Phillip	1985	DP dismissed by agreement pending appeal of PCR denial, 2/17/1999.
Townsend, Johnny, Jr.	1985	DP dismissed by agreement pending appeal of PCR denial, 1999.
Fleenor, D. H.	1984	Executed after exhausting appeals, but declining clemency request, December 9, 1999
Rondon, Reynaldo	1985	Sentence set aside on PCR; pled pending new penalty phase, 8/2/2000.
Vincent Prowell	1994	Conviction and sentence set aside on PCR, <i>Prowell v. State</i> , 741 N.E.2d 704 (2001); DP dismissed pending new trial, 3/19/2002.

Gerald Bivins	1992	Executed after waiving federal habeas corpus review, March 14, 2001.
John Ingle	1998	Death sentence set aside on direct appeal, May 8, 2001, due to insufficiency of evidence on aggravators; remanded for entry of term of years.
Jim Lowery	1983	Executed after exhausting appeals, June 27, 2001.
Perry Steven Miller	1991	Conviction and death sentence vacated on federal habeas corpus review, June 29, 2001; pled to 138 years, August 7, 2001.
Alton Coleman	1986	Executed in Ohio for a crime committed there, April 26, 2002.
Jerry Thompson	1996	Stabbed while direct appeal was pending, 10/27/2002.
Kevin Lee Hough	1987	Executed after exhausting appeals, May 2, 2003
Joseph Trueblood	1990	Executed after exhausting appeals, June 13, 2003
Gamba Rastafari	1987	Death sentence vacated on successor PCR due to mental retardation. Appeal dismissed 12/3/2003.
Benny Saylor	1994	Override death sentence vacated on PCR petition for rehearing, on state constitutional grounds, May 21, 2004.
Darnell Williams	1987	Death sentence commuted to life without parole by Gov. Joe Kernan, July 2, 2004.
Walter Dye	1998	Pled to LWOP pending new trial, November 8, 2004.
William Minnick	1982	Override death sentence vacated on successor PCR petition, December 1, 2004.
Michael Daniels	1979	Death sentence commuted to life without parole by Gov. Joe Kernan, January 7, 2005.

Donald Ray Wallace	1982	Executed after exhausting appeals, March 10, 2005.
Bill Benefiel	1988	Executed after exhausting appeals, April 21, 2005.
Gregory Scott Johnson	1986	Executed after exhausting appeals, May 25, 2005.
Keith Canaan	1986	Death sentence reversed on federal habeas review, 395 F.3d 376 (7 <sup>th</sup> Cir. 2005); DP dismissed by agreement pending resentencing, 6/7/2005.
Phillip Stroud	2002	Death sentence reversed on direct appeal, 809 N.E.2d 274 (Ind. 2004); DP dismissed by agreement pending resentencing, 6/30/2005.
Kevin Conner	1988	Executed after exhausting appeals, July 27, 2005.
Arthur Baird	1987	Death sentence commuted to life without parole by Gov. Mitch Daniels, August 29, 2005.
Alan Matheney	1990	Executed after exhausting appeals, September 28, 2005.
Obadyah Ben-Yisrayl	1992	Sentenced to death in both Lake and Porter Counties. Lake County sentence was reversed August 10, 2004. Porter County conviction and sentence were reversed December 13, 2005, and the state has not retried him.
Charles Barker	1996	Death sentence reversed and remanded for new penalty phase on Direct Appeal; sentenced to LWOP pursuant to agreement while new penalty phase was pending, December 19, 2005.
Roche, Charles	1990	Committed suicide while awaiting a new penalty phase, January 10, 2006.
Bieghler, Marvin	1983	Executed after exhausting appeals, January 27, 2006.
Moore, Richard D.	(1980) 2000	Died of cancer at age 75, December 23, 2006.
Aki-Khuam, Akeem	1993	Conviction & death sentence reversed on federal habeas review, 328 F.3d 366 (7 <sup>th</sup> Cir. 2003); pled pending retrial,

		March 30, 2007.
Woods, David Leon	1985	Executed after exhausting appeals, May 4, 2007.
Lambert, Michael	1992	Executed after exhausting appeals, June 15, 2007.
Timberlake, Norman	1995	Died of natural causes November 10, 2007.
Ben-Yisrayl, Chijoke Bomani	1984	Death sentence vacated in state post-conviction proceedings, 738 N.E.2d 253 (Ind. 2000); state dismissed death penalty request pending new penalty phase, January 17, 2008.
Harrison, James Patrick	1991	Conviction and death sentence vacated in federal habeas proceedings, 428 F.3d 652 (7 <sup>th</sup> Cir. 2005); pled to 150 years pending re-trial, May 5, 2008.
Azania, Zolo Agona	1982	Death sentence set aside twice on state PCR; while pending third penalty phase, resolved by sentencing agreement, October 17, 2008.
Stevens, Christopher	1995	Death sentence set aside in federal habeas proceedings, 489 F.3d 883 (7 <sup>th</sup> Cir. 2007) ; lwop sentencing agreement reached September 23, 2009.
Wrinkles, Matthew Eric	1995	Executed after exhausting appeals, December 10, 2009.
Wisehart, Mark	1983	Conviction and death sentence vacated in federal habeas proceedings, 408 F.3d 321 (7 <sup>th</sup> Cir. 2005); pled to 75 years pending retrial, September 1, 2010.
Daniel Wilkes	2008	Death sentence vacated and LWOP imposed by PCR court after learning that jury deadlocked 11-1 for LWOP at trial, August 12, 2011.
Howard Allen	1988	F.Dist. Ct. vacated DP after finding Allen to have mental retardation. State dismissed its appeal pursuant to sentencing agreement June 4, 2013.
Tommy Pruitt	2003	7 <sup>th</sup> Cir. Vacated DP after finding Pruitt to have mental retardation, June 2, 2015.

Paul McManus	2002	7 <sup>th</sup> Cir. Vacated convictions and death sentence after finding that McManus had been incompetent to stand trial. Pled to LWOP while awaiting retrial, August 6, 2015.
Wayne Kubsch	2000	7 <sup>th</sup> Cir. Vacated convictions and death sentence due to improper exclusion of evidence. State dismissed DP request pending third trial, September 14, 2018.
John Stephenson	1997	7 <sup>th</sup> Cir. Vacated death sentence; sentencing agreement reached pending new penalty phase, October 5, 2018.
Deborah Brown	1986	Pled to 140 years pending successor PCR, November 29, 2018.
Frederick Baer	2005	Resentenced to two terms of life without parole, August 2019 after 7 <sup>th</sup> Circuit vacated death penalty in 2018